

subject to civil penalties for its knowing failure to report, as required under section 15(b) of the CPSA, 15 U.S.C. 2064(b).

*Response of Haier America Trading, LLC*

12. Haier America denies the Staff's allegations, including, but not limited to, that the Blenders contain a defect that could create a substantial product hazard or create an unreasonable risk of serious injury or death, and that Haier America failed to timely notify the Commission in accordance with Section 15(b) of the CPSA, 15 U.S.C. 2064(b).

13. Haier America notified CPSC upon discovering that a nut securing the blade assembly had not been consistently tightened during production of certain units of the Blenders. Haier America was (and is) aware of only one report of a minor cut to a consumer's hand, associated with the reported issue, which did not require medical attention. Haier America conducted a voluntary recall of the Blenders to replace the blade assembly pursuant to CPSC's Fast Track recall program, acting to reduce the risk of injury, in furtherance of its customers' best interests.

*Agreement of the Parties*

14. Under the CPSA, the Commission has jurisdiction over this matter and over Haier America.

15. In settlement of staff's allegations, Haier America shall pay a civil penalty in the amount of \$850,000.00 within 20 calendar days of receiving service of the Commission's final Order accepting the Agreement. The payment shall be made electronically to the CPSC via [www.pay.gov](http://www.pay.gov).

16. The parties enter into this Agreement for settlement purposes only. The Agreement does not constitute an admission by Haier America, nor does it constitute a determination by the Commission, that Haier America violated the CPSA's reporting requirements.

17. In consideration of Haier America's payment, the Commission agrees to release Haier America, as well as its current and former directors, officers, employees, agents and representatives from any civil claim that the Commission has or may have against those parties arising out of or relating to the recall of the Blenders announced on December 2, 2009, or the Staff's allegations that Haier America failed to report in a timely manner a potential hazard involving the Blenders.

18. Upon provisional acceptance of the Agreement by the Commission, the Agreement shall be placed on the public

record and published in the **Federal Register** in accordance with the procedures set forth in 16 C.F.R. 1118.20(e). If the Commission does not receive any written request not to accept the Agreement within 15 calendar days, the Agreement shall be deemed finally accepted on the 16th calendar day after the date it is published in the **Federal Register**, in accordance with 16 C.F.R. 1118.20(f).

19. Upon the Commission's final acceptance of the Agreement and issuance of the final Order, Haier America knowingly, voluntarily, and completely waives any rights it may have in this matter to the following: (a) an administrative or judicial hearing; (b) judicial review or other challenge or contest of the Commission's actions; (c) a determination by the Commission of whether Haier America failed to comply with the CPSA and the underlying regulations; (d) a statement of findings of fact and conclusions of law; and (e) any claims under the Equal Access to Justice Act.

20. The Commission may publicize the terms of the Agreement and the Order.

21. The Agreement and the Order shall apply to, and be binding upon, Haier America and each of its successors and/or assigns.

22. The Commission issues the Order under the provisions of the CPSA, and a violation of the Order may subject Haier America and each of its successors and/or assigns to appropriate legal action.

23. The Agreement may be used in interpreting the Order. Understandings, agreements, representations, or interpretations apart from those contained in the Agreement and the Order may not be used to vary or contradict the terms of the Agreement and the Order. The Agreement shall not be waived, amended, modified, or otherwise altered without written agreement thereto, executed by the party against whom such waiver, amendment, modification, or alteration is sought to be enforced.

24. If any provision of the Agreement or the Order is held to be illegal, invalid, or unenforceable under present or future laws effective during the terms of the Agreement and the Order, such provision shall be fully severable. The balance of the Agreement and the Order shall remain in full force and effect, unless the Commission and Haier America agree that severing the provision materially affects the purpose of the Agreement and Order.

HAIER AMERICA TRADING, LLC.  
Dated: August 23, 2012.

Mary Ann G. Lemere,  
*VP & General Counsel, Haier America Trading, LLC, 1356 Broadway, New York, NY 10018.*

Dated: August 28, 2012.

Eric A. Rubel, Esquire,  
*Arnold & Porter, LLP, 555 Twelfth Street NW., Washington, DC 20004-1206, Counsel for Haier America Trading, LLC.*

U.S. CONSUMER PRODUCT SAFETY COMMISSION STAFF

Cheryl A. Falvey,  
*General Counsel.*

Mary B. Murphy,  
*Assistant General Counsel.*

Dated: September 4, 2012.

Belinda V. Bell,  
*Trial Attorney, Office of the General Counsel.*

**Order**

Upon consideration of the Settlement Agreement entered into between Haier America Trading, LLC ("Haier America"), and the U.S. Consumer Product Safety Commission ("Commission") staff, and the Commission having jurisdiction over the subject matter and over Haier America, and it appearing that the Settlement Agreement and the Order are in the public interest, *it is*

**Ordered** that the Settlement Agreement be, and is, hereby, accepted; and *it is*

**Further ordered**, that Haier America shall pay a civil penalty in the amount of \$850,000.00 within 20 calendar days of receiving service of the Commission's final Order accepting the Settlement Agreement. The payment shall be made electronically to the CPSC via [www.pay.gov](http://www.pay.gov). Upon the failure of Haier America to make the foregoing payment when due, interest on the unpaid amount shall accrue and be paid by Haier America at the federal legal rate of interest set forth at 28 U.S.C. 1961(a) and (b). Provisionally accepted and provisional Order issued on the 13th day of September, 2012.

**By Order of the Commission:**

Todd A. Stevenson,  
*Secretary, U.S. Consumer Product Safety Commission*

[FR Doc. 2012-23043 Filed 9-18-12; 8:45 am]

BILLING CODE 6355-01-P

**CONSUMER PRODUCT SAFETY COMMISSION**

[CPSC Docket No. 12-2]

**Notice of Telephonic Prehearing Conference**

**AGENCY:** U.S. Consumer Product Safety Commission.

**ACTION:** Notice.

**SUMMARY:** Notice of telephonic prehearing conference In the Matter of ZEN MAGNETS, LLC, CPSC Docket No. 12-2.

**DATES:** September 27, 2012, at 9:00 a.m. Mountain/10:00 a.m. Central/11:00 a.m. Eastern.

**ADDRESSES:** Members of the public are welcome to attend the prehearing conference at the Courtroom of Hon. Dean C. Metry at 601 25th Street, 5th Floor Courtroom, Galveston, Texas 77550.

**FOR FURTHER INFORMATION CONTACT:** Jan Emig, Paralegal Specialist, U.S. Coast Guard ALJ Program, (409) 765-1300.

**SUPPLEMENTARY INFORMATION:** Any or all of the following shall be considered during the prehearing conference:

- (1) Petitions for leave to intervene;
- (2) Motions, including motions for consolidation of proceedings and for certification of class actions;
- (3) Identification, simplification and clarification of the issues;
- (4) Necessity or desirability of amending the pleadings;
- (5) Stipulations and admissions of fact and of the content and authenticity of documents;
- (6) Oppositions to notices of depositions;
- (7) Motions for protective orders to limit or modify discovery;
- (8) Issuance of subpoenas to compel the appearance of witnesses and the production of documents;
- (9) Limitation of the number of witnesses, particularly to avoid duplicate expert witnesses;
- (10) Matters of which official notice should be taken and matters which may be resolved by reliance upon the laws administered by the Commission or upon the Commission's substantive standards, regulations, and consumer product safety rules;
- (11) Disclosure of the names of witnesses and of documents or other physical exhibits which are intended to be introduced into evidence;
- (12) Consideration of offers of settlement;
- (13) Establishment of a schedule for the exchange of final witness lists, prepared testimony and documents, and for the date, time and place of the hearing, with due regard to the convenience of the parties; and
- (14) Such other matters as may aid in the efficient presentation or disposition of the proceedings.

Telephonic conferencing arrangements to contact the parties will be made by the court. Mary B. Murphy, Esq., Jennifer Argabright, Esq., Counsel for the U.S. Consumer Product Safety Commission, shall be contacted by a third party conferencing center at 301/504-7809. David C. Japha, Esq., counsel for ZEN MAGNETS<sup>SM</sup>, LLC (Respondent) shall be contacted by a

third party conferencing center at (303) 964-9500.

**Authority:** Consumer Product Safety Act 15 U.S.C. 2064.

Dated: September 14, 2012

**Todd A. Stevenson,**  
*Secretary.*

[FR Doc. 2012-23071 Filed 9-18-12; 8:45 am]

**BILLING CODE 6355-01-P**

## CONSUMER PRODUCT SAFETY COMMISSION

### Notice of Telephonic Prehearing Conference; Correction

**AGENCY:** U.S. Consumer Product Safety Commission.

#### Correction

*Federal Register Citation of Previous Announcement:*

Vol. 77, No. 179, Friday, September 14, 2012, page 56814.

*Notice:* Notice of Telephonic Prehearing Conference, CPSC Docket 12-1.

*Correction:* The name of the docket and respondent is incorrect. The correct name of the respondent is Maxfield and Oberton Holdings, LLC.

*Contact Person for Additional Information:* Todd A. Stevenson, Office of the Secretary, 4330 East West Highway, Bethesda, MD 20814 (301) 504-7923.

Dated: September 14, 2012.

**Todd A. Stevenson,**  
*Secretary.*

[FR Doc. 2012-23070 Filed 9-18-12; 8:45 am]

**BILLING CODE 6355-01-P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

[Docket ID: DoD-2012-HA-0117]

### Proposed Collection; Comment Request

**AGENCY:** Office of the Assistant Secretary of Defense for Health Affairs, DoD.

**ACTION:** Notice.

In compliance with Section 3506(c)(2)(A) of the *Paperwork Reduction Act of 1995*, the Office of the Assistant Secretary of Defense for Health Affairs announces the proposed extension of a public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the

functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Consideration will be given to all comments received by November 19, 2012.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350-3100.

*Instructions:* All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Mr. Mike Talisnik, Office of the ASD (HA)—TMA, 7700 Arlington Blvd., Suite 5101, Falls Church, VA 22042, (703) 681-8723.

*Title; Associated Form; and OMB Number:* TriCase Case Management & Authorization System; OMB Control Number 0720-TBD.

*Needs and Uses:* TriCase (Case Management and Authorization System) manages cases involving the coordination of medical care and medical transportation. The system provides International SOS employees with a central application to interact with TRICARE beneficiaries, providers, family members, and government representatives to manage healthcare delivery activities. TriCase is available in four International SOS offices worldwide and is limited to authorized TRICARE users who meet appropriate clearance levels. The system has been tailored to support TRICARE Management Activity (TMA).